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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,176	03/20/2001	Patrick H. Fullenkamp	DP-304380	2287

7590 11/19/2003

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EXAMINER

SICONOLFI, ROBERT

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,176

Applicant(s)

FULLENKAMP ET AL.

Examiner

Robert A. Siconolfi

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Information Disclosure Statement filed on 9/4/03 has been received. Amendment filed on 10/29/03 has been received.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 4-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al in view of Handke et al (U. S. Patent no. 5,622,242).

Muller discloses: See figures Spring seat 22,24, spring bracket 44, mounting portion 36 with welds 50, projection 17, reservoir tube opening in the middle of spring seat. Bracket 22 is disclosed as attached to bracket 44 see column 3 lines 8-11

Muller et al does not disclose having a stabilizer bar bracket portion integral with the mounting bracket portion. Handke et al teaches integrating a stabilizer mounting portion with a mounting bracket portion (see figures 6a-11c). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the stabilizing bar bracket with the mounting bracket portion in order to reduce the number of parts needed to be connected to the damper tube. This reduces costs due to the reduction of parts needed to be manufactured and the reduction of assembly steps.

Regarding claims 5-7, 16-20 and 22, Muller et al is relied upon as above. Muller et al does not disclose specifically how the spring seat is attached to the bracket. Muller et al discloses welding as a means to attach (welds 50). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to attach the spring seat to the bracket by welding as welding is a well known of attaching two metal parts together. It forms an economical permanent bond that is strong and durable. The different types of welding claimed furthermore are obvious because they are merely design choices. The type of welding used depends on factors such as material being welded, cost, and strength of bond required.

Response to Arguments

4. Applicant's arguments filed 9/4/03 have been fully considered but they are not persuasive. Applicants have not argued the combination of Muller and Handke et al except to assert that they fail to teach each and every limitation. Applicants, however, have failed to point out any missing limitations. Examiner would also like to note that contrary to the Applicants assertions, all rejections were properly formed. Claims 11 and 16 were rejected under 35 USC 102 and therefore were anticipated. This does not in any way imply that the claims are nonobvious. In fact, it implies the exact opposite since anticipation implies obviation. Standard office practices is to list only the claims specifically addressed by the grounds presented in order to make clear on what grounds a specific claim is reject. Claims 12-15 and 21 presented additional limitations and therefore were rejected under a different grounds than claims 11 and 16. If the examiner listed all the claims, it would merely create confusion as to which claims were specifically being addressed by those grounds. That is why only claims 12-15 and 21 was listed and not the respective independent claims.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 703-305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Robert A. Siconolfi

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Examiner
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RS

Robert A. Siconolfi 11/17/03
ROBERT A. SICONOLFI
PATENT EXAMINER